

REMARKS

In the Office Action of January 4, 2008, an objection to claims 8-12 was raised based on the "treatment device." In this Amendment, claim 8 is currently amended. No new matter has been added, as is discussed in detail below.

Applicant has carefully reviewed the Office Action and respectfully requests reconsideration of the claims in view of the claim amendments and remarks presented below.

Claim Objections

The amendment to claim 8 provides that the apparatus is also configured to move the treatment device in a third direction and a fourth direction in response to the respective third and fourth directional data values, thereby more clearly indicating that the treatment device is not a part of the claimed invention, but is merely a workpiece or part of the environment of the claimed invention.

Such an apparatus is described at page 13, line 20 through page 14, line 2 of the application as originally filed, at which is disclosed:

Such information is provided to the controller 38 to position the gantry 1 and the couch F and thus, to control the treatment.

(specifically, the above passage is found at page 13, lines 26 through 28.) The gantry 1 includes a treatment device. See "L" in FIG. 1; page 6, lines 4 through 12 (discussing a linear accelerator (LINAC) X-ray radiation therapy machine); and page 7, lines 2 through 8 (describing that the LINAC machine includes the gantry 1).

The preamble of claim 8 recites ". . . with respect to a treatment device." As currently amended, claim 8 recites "the apparatus configured to move the treatment device" As such, the treatment device is not a part of the claimed invention, but is merely a workpiece or part of the environment of the claimed invention. Accordingly, Applicant submits that claims 8-12 do not define structure in terms of the unclaimed treatment device.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant respectfully submits that claims 8-12 are in condition for allowance.

This response is being filed within the two-month response period and because of that, applicant believes that no fee is due. However, if in fact a fee is due in relation to filing this paper, the Commissioner is authorized to charge Deposit Account No. 06-2425 for that fee.

Respectfully submitted,

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